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No. 27

In the Supreme Court of the United States

OCTOBER TERM, 1957

UNITED STATES OF AMERICA, APPELLANT

v.

STATE OF ILLINOIS, ILLINOIS COMMERCE COMMISSION, AND MILWAUKEE ROAD COMMUTERS' ASSOCIATION

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

MEMORANDUM FOR THE UNITED STATES

J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

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MEMORANDUM FOR THE UNITED STATES

The appeal taken by the United States in this case presented only the following questions (R. 483–484):

1. Whether the Interstate Commerce Commission, in directing increases in intrastate passenger fares, pursuant to Section 13 (4) of the Interstate Commerce Act, is precluded from relying upon evidence which had not been introduced at a prior proceeding before the state regulatory commission in which the latter had refused to increase the intrastate fares.

2. Whether the district court, in setting aside the Commission's order directing increases in intrastate fares, further erred in also setting aside that part of the order which authorized increases in interstate fares.

The appeal taken by the Interstate Commerce Commission in No. 28 presented the two foregoing questions and two additional questions (R. 484–485). The United States, in support of its appeal, adopts the arguments advanced by the Interstate Commerce Commission in Points III and IV of the brief which it has filed in No. 28.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

AUGUST 1957.